

ATTORNEY REGULATION ADVISORY COMMITTEE

MINUTES

Wednesday, April 13, 2016
9:30 a.m. – 12:00 p.m.

State Courts Building, 1501 West Washington Street, Phoenix, Arizona
Conference Room 109

Present

Hon. William J. O'Neil
Hon. Lawrence Winthrop
Whitney Cunningham
Mary Grier
Emily Johnston
Edward Novak
George Reimer
J. Scott Rhodes
Patricia Sallen
Elaine Sweet
Ronald Watson
Maret Vessella

Telephonically Present

Pamela Treadwell-Rubin

Absent

Ben Click
Carol Mitchell
Mark Wilson

Staff

Kathleen Curry
Michelle Martinez
Brianna Farmer
Sandy Gates

Regular Business

9:35 a.m. Call to Order and Introductions

Hon. Lawrence Winthrop

Business Items and Potential Action Items

No. 1 Review and Approve March 2016 ARC minutes
Deferred to next meeting

No. 2 Review, Discussion and Possible Vote on Comments for Pending Rule Petitions

- a. R-16-0014 (Confidentiality of Medical Records – Admission's Process)
During the March meeting, ARC found it to be appropriate to submit a short comment in support of the petition. Mary Grier made some revisions to the language which Scott Rhodes agreed with. The revised statement has not been updated to the materials. Since there will not be a formal meeting before the deadline, the latest version of the comment will circulate around the group along with other comments for an electronic approval before the May 20th deadline. The comment essentially clarifies that the ability to seek confidentiality for submission is not limited to medical record or report.

- b. R-16-0015 (Telephonic Participation in Inquiry Panel Hearings)
During the last meeting there was discussion concerning the need to avoid a situation where an informal inquiry or hearing panel is set wherein all panelists attend telephonically and the applicant is alone in the hearing room with just a telephone. Ed Novak stated that the committee has accommodated for these situations as well as briefed the Supreme Court. Judge Winthrop then saw no reason for ARC to submit a formal comment. Ed Novak also stated that the court inquired as to whether ARC had data to report on the impact of the new rules and that the task to collect and process this data may fall to ARC. Mr. Novak indicated he and Mark Wilson will talk about how to collect the data and, at some point, present it to the committee. The status of this petition is to be determined following these discussions.
- c. R-16-0023 (Changes to the Discipline, Disability and Reinstatement Processes)
ARC plans on filing a short comment to support the petition. Hon William O'Neil states that the biggest recommended change to rule 65 application for reinstatement would go by appeal process rather than a recommendation to the court. In a previous meeting ARC unanimously voted to support it.
- d. R-16-0027 (Ethical Issues Arising from Medical Marijuana Laws)
Propose changes to Ethical Rule 1.2(d) to make an exception for lawyers helping clients if it is authorized by state law, although may be in violation of federal law. During the last meeting ARC agreed to submit a comment supporting the petition. Judge Winthrop will work with Mark Wilson to prepare the comment in support of this petition and in support of Judge O'Neil's proposed changes as well.
- e. R-16-0029 (Oath of Admission-Lawyer's Creed)
During the March meeting ARC approved of the petition and agreed to file a letter in support.

No. 3 ARC Annual Report Final Review
Annual Report to the Supreme Court is due at the end of April. A rough draft was sent out to everyone to get a good idea of what is being done. Judge Winthrop tried to reformat the report so that it is more of a stand-alone report and it is easy for anyone to pick-up and understand. A discussion ensued concerning adding tracking information as to conditional admission and fee arbitrations. ARC is working to harmonize the statistics within the report so they are not confusing, as well as add a short narrative to give more explanatory background and history.

No. 4 Call to Public
None.

Meeting Adjourned: 11:05 am.

Next meeting date: Wednesday, June 8, 2016

Any agenda item, including the call to the public, may be considered at a time other than what is indicated on this agenda.

The Committee may meet in executive session as permitted by A.C.J.A. §1-202.
Please contact Cassandra Ramos at (602) 452-3295 with any questions concerning this page.